IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 343 of 2004
with
CIVIL APPLICATION No 7820 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHAMJIBHAI BHIMJIBHAI KHUT

Versus

SHOBADARKHAN HAMIRKHAN BALOCH

Appearance:
1. Appeal from Order No. 343 of 2004 with
Civil Application No. 7820 of 2004
MR MRUGEN K PUROHIT for Appellant No.
..... for Respondent No. 1,6
MR KAMAL M SOJITRA for Respondent No. 2-5

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 01/11/2004

ORAL JUDGEMENT

This Appeal from Order is filed by the original plaintiffs of Special Civil Suit No.34/2003, which is pending before the Civil Judge (S.D.), Gondal. The plaintiff has filed the aforesaid suit for the specific performance of the suit agreement on the ground that the property described in paragraph 1 of the plaint is agreed to be purchased by the plaintiff at the price of Rs.80 lacs from the defendants and the plaintiff has also paid Rs.8 lacs towards part consideration. According to the plaintiff, agreement in question is notarized before the Notary but the defendants have refused to execute the sale deed. In the said suit, the plaintiff has also filed applications at Exh.5 and 11 for injunction restraining the defendants from transferring or alienating the suit property.

The suit as well as injunction applications were resisted by the defendants on various grounds. The trial Court after hearing both the sides dismissed the injunction applications with cost, against which present Appeal from Order is filed.

This Appeal from Order is admitted.

Mr.K.M.Sojitra, learned advocate appearing for the respondents waives service of notice of admission on behalf of the respondents.

Mr.K.M.Sojitra, learned advocate for the respondents, after taking instruction from his client, states that the respondents-original defendants are not interested in selling or transferring the land in question during the pendency of the suit. He submitted that he is making this statement after taking instruction from one Mr.Ibrahimkhan Hamirkhan Baloch, who is respondent No.4 herein.

In view of the aforesaid statement, the order of the trial Court is modified to the extent that during the pendency of the suit, respondents are restrained from transferring or alienating the suit property and the respondents are further directed to maintain status quo with regard to the suit property during the pendency of the suit.

It is clarified that this injunction will operate only during the pendency of the suit or pendency of any other proceedings, pending on the same subject matter, whichever is earlier.

In view of what is stated hereinabove, this

Appeal from Order is disposed of. No costs.

In view of above order, no order on Civil Application No.7820/2004.

(P.B.Majmudar,J.)

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